

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

Applicant's or agent's file reference S05P0808WO00	FOR FURTHER ACTION		See item 4 below
International application No. PCT/JP2005/001147	International filing date (<i>day/month/year</i>) 27 January 2005 (27.01.2005)	Priority date (<i>day/month/year</i>) 29 January 2004 (29.01.2004)	
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237			
Applicant SONY CORPORATION			

1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 bis.1(a).

2. This REPORT consists of a total of 6 sheets, including this cover sheet.

In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.

3. This report contains indications relating to the following items:

- | | |
|--|---|
| <input checked="" type="checkbox"/> Box No. I | Basis of the report |
| <input type="checkbox"/> Box No. II | Priority |
| <input type="checkbox"/> Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability |
| <input checked="" type="checkbox"/> Box No. IV | Lack of unity of invention |
| <input checked="" type="checkbox"/> Box No. V | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability, citations and explanations supporting such statement |
| <input type="checkbox"/> Box No. VI | Certain documents cited |
| <input type="checkbox"/> Box No. VII | Certain defects in the international application |
| <input type="checkbox"/> Box No. VIII | Certain observations on the international application |

4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44bis.2).

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland	Date of issuance of this report 22 August 2006 (22.08.2006)
	Authorized officer Yoshiko Kuwahara e-mail: pt07@wipo.int

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PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

PCT

TRANSLATION

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Date of mailing
(day/month/year)

Applicant's or agent's file reference

S05P0808W000

FOR FURTHER ACTION

See paragraph 2 below

International application No.

PCT/JP2005/001147

International filing date (day/month/year)

27. 01. 2005

Priority date (day/month/year)

29. 01. 2004

International Patent Classification (IPC) or both national classification and IPC

Applicant

SONY CORPORATION

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☒ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/JP

Authorized officer

Facsimile No.

Telephone No.

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

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Box No. I

Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
☐ This opinion has been established on the basis of a translation from the original language into the following language _____, which is the language of a translation furnished for the purposes of international search (under Rule 12.3 and 23.1(b)).
2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material
☐ a sequence listing
☐ table(s) related to the sequence listing
 - b. format of material
☐ in written format
☐ in computer readable form
 - c. time of filing/furnishing
☐ contained in the international application as filed.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

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Box No. IV

Lack of unity of invention

1. ☐ In response to the invitation (Form PCT/ISA/206) to pay additional fees the applicant has:
- ☐ paid additional fees
- ☐ paid additional fees under protest
- ☐ not paid additional fees
2. ☒ This Authority found that the requirement of unity of invention is not complied with and chose not to invite the applicant to pay additional fees.
3. This Authority considers that the requirement of unity of invention in accordance with Rules 13.1, 13.2 and 13.3 is
- ☐ complied with
- ☒ not complied with for the following reasons:

The claims of the present application, which can be divided into the two groups of inventions given below, do not meet the requirement of unity of invention.

1. Claims 1-13, 16-28 and 31-34
2. Claims 14, 15, 29, 30 and 35

4. Consequently, this opinion has been established in respect of the following parts of the international application:

☒ all parts

☐ the parts relating to claims Nos. _____

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Box No. V	Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement																												
1. Statement	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30%; vertical-align: top;">Novelty (N)</td> <td style="width: 50%;"> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 10%;">Claims</td> <td style="width: 80%;">1-35</td> <td style="width: 10%; text-align: right;">YES</td> </tr> <tr> <td>Claims</td> <td></td> <td style="text-align: right;">NO</td> </tr> </table> </td> <td style="width: 10%;"></td> </tr> <tr> <td style="vertical-align: top;">Inventive step (IS)</td> <td> <table style="width: 100%; border-collapse: collapse;"> <tr> <td>Claims</td> <td></td> <td style="text-align: right;">YES</td> </tr> <tr> <td>Claims</td> <td>1-35</td> <td style="text-align: right;">NO</td> </tr> </table> </td> <td></td> </tr> <tr> <td style="vertical-align: top;">Industrial applicability (IA)</td> <td> <table style="width: 100%; border-collapse: collapse;"> <tr> <td>Claims</td> <td>1-35</td> <td style="text-align: right;">YES</td> </tr> <tr> <td>Claims</td> <td></td> <td style="text-align: right;">NO</td> </tr> </table> </td> <td></td> </tr> </table>		Novelty (N)	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 10%;">Claims</td> <td style="width: 80%;">1-35</td> <td style="width: 10%; text-align: right;">YES</td> </tr> <tr> <td>Claims</td> <td></td> <td style="text-align: right;">NO</td> </tr> </table>	Claims	1-35	YES	Claims		NO		Inventive step (IS)	<table style="width: 100%; border-collapse: collapse;"> <tr> <td>Claims</td> <td></td> <td style="text-align: right;">YES</td> </tr> <tr> <td>Claims</td> <td>1-35</td> <td style="text-align: right;">NO</td> </tr> </table>	Claims		YES	Claims	1-35	NO		Industrial applicability (IA)	<table style="width: 100%; border-collapse: collapse;"> <tr> <td>Claims</td> <td>1-35</td> <td style="text-align: right;">YES</td> </tr> <tr> <td>Claims</td> <td></td> <td style="text-align: right;">NO</td> </tr> </table>	Claims	1-35	YES	Claims		NO	
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Claims		NO																											
2. Citations and explanations:	<p>Document 1: JP, 2001-350664, A (Nippon Telegram and Telephone Corporation), 21 December, 2001 (21.12.01), paragraphs [0038]-[0074], (Family: none)</p> <p>Document 2: "Joho Capsule Ryutsu ni okeru Riyosha System Hogo," <i>Information Processing Society of Japan Kenkyu Hokoku</i>, Vol. 2001, No. 15, 20 February, 2001 (20.02.01), pp. 103-108, particularly, 2.1 "Joho Capsule to sono Ryutsu Framework," 3.3. See "Ninsho"</p> <p>Document 3: "Juraigata Denshi Mail o Kakuchō Shita Online Contents Hanbai System," <i>Information Processing Society of Japan Kenkyu Hokoku</i>, Vol. 99, No. 11, 30 January, 1999 (30.01.99), pp. 87-93, particularly, 4.3.1 "Kenri Hogo Contents Kozo," 4.4.1 See "Secure Container Kozo"</p> <p>Document 4: JP, 2001-209583, A (Sony Corporation, Sony Computer Entertainment Inc.), 3 August, 2001 (03.08.01), paragraphs [0044]-[0063], [0517]-[0527], [0555]-[0557] & WO, 01/55858, A1 & AU, 200128829, A & BR, 200104213, A & EP, 1195684, A1 & KR, 2001109323, A & US, 2002/154779, A1 & CN, 136637, A & TW, 1366637, A & MX, 2001009394, A1</p> <p>Claims 1-13, 16-28, 31-34 do not appear to involve an inventive step in view of documents 1-4.</p> <p>As is described in document 2, given that a capsule is used to put into a single file the content to be used and the program for operating it, and given that in the invention described in document 1, the encrypted content is stored in a storage area, it can be said that, since the said content is recorded on a disc, the content included in the capsule, the method of processing the content, and the like are read from the said disc. Also, it can be said that to store the encrypted content in the storage area of the capsule is to store the encrypted content into the capsule as data that has been included.</p> <p>Given the above opinion, document 1 can be considered to describe "a computer wherein data are read from a disc, and the content that has been added or updated by implementing the editing method read from the aforementioned disc is stored. The data in a capsule unit, including those that have been encrypted, are stored in the aforementioned disc, the content that has been updated or to which additions have been made is encrypted, and the encrypted content is included in the capsule and stored as data."</p> <p>Document 3 describes (1) encrypting contents that include content data comprising HTML, GIF, and JPEG with a different master key K for each rights protected content and regarding this as a rights protected content structure, and (2) encrypting a rights protected content archive that includes a plurality of rights protected contents with a different master key K for each secured container and</p>																												

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Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

regarding this as a secure container structure.

Document 4 describes that in cases where a content stored in an encrypted recording device using a content key specific to a content is a game program or the like, the save data obtained after the said game program is performed are encrypted with a save data encryption key, wherein the said content key is considered to be the aforementioned save data encryption key.

The capsule used in the invention described in document 1, the rights protected content structure, and the secure content structure can each be regarded as a content management unit, and considering the fact that (1) a person skilled in the art could have easily conceived encrypting the content and so on, like the invention described in document 3, with a different key for each capsule, (2) the content to which data have been added or changes have been made is also a data included in a capsule, and (3) the save data generated in the invention described in document 4 are encrypted with a key that was used to encrypt the program concerned, using a key that corresponds to the capsule in encrypting the content to which additions and changes have been made cannot be considered particularly difficult for person skilled in the art.

Also, document 3 describes that an electronic signature is included wherein the raw container digest data are encrypted in a secure container structure, while document 2 describes that a new signature has to be attached whenever data are updated.

Document 5: JP, 2001-23299, A (ED-Contrive Inc.), 26 January, 2001 (26.01.01), paragraphs [0020]-[0022] (Family: none)

Document 6: JP, 2002-190157, A (Mitsubishi Electric Co.), 5 July, 2002 (05.07.02), paragraphs [0019]-[0025] (Family: none)

Claims 14, 15, 29, 30 and 35 do not appear to involve an inventive step in view of documents 5 and 6.

Document 5 describes that a program is performed when, after determining whether an information recording medium is an original CD-ROM or an unauthorized CD-R copy based on whether there is specific information in the said information recording medium, it is confirmed that the recording medium is an original CD-ROM.

Document 6 describes selecting, from among information and the like recorded in a predetermined location on an information recording medium, information that identifies the type of recording device used and detecting whether the medium is a type used only for generating information or a type that permits recording, after which the reproduced data are outputted under the condition that the information thus detected is the type that permits reproduction.

A person skilled in the art could have easily conceived adopting discrimination of the type of recording medium used in the invention described in document 6 rather than confirming the existence of specific information in the invention described in document 5.